

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FILED

OCT 05 2017

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR 10-92-GF-BMM

Plaintiff,

ORDER

vs.

DAGMAR EYVONNE JOHNSON,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on September 27, 2017. Defendant admitted that she had violated the conditions of her supervised release by using a controlled substance, by failing to report for substance abuse testing, and by failing to notify her probation officer of a change in residence. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with no supervised release to follow.

The parties have informed the Court that they have no objections to Judge Johnston's Finding and Recommendations. (Doc. 64). Judge

Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's Findings and Recommendations. Defendant admitted that she had violated the conditions of her supervised release. Defendant could be incarcerated for up to 36 months, followed by 24 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of six months in custody, with no supervised release to follow is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 63) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 5th day of October, 2017.

A handwritten signature in cursive script, reading "Brian Morris".

Brian Morris
United States District Court Judge